

Message Text

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22

ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 ACDE-00 AF-08 ARA-06

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10

NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15

SAJ-01 SSO-00 INRE-00 NSCE-00 USIE-00 COME-00 EB-07

CEQ-01 EPA-01 /126 W

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O R 030936Z AUG 76

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 1627

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

USMISSION NATO

ERDA HQ WASHDC

ERDA GERMANTOWN

NOAA ROCKVILLE MD

C O N F I D E N T I A L GENEVA 6224

E.O. 11652: GDS

TAGS: PARM, CCD, UR, NL, SW

SUBJECT: CCD - AD REFERENDUM AGREEMENT ON CONSULTATIVE
COMMITTEE PROVISIONS IN ENMOD ARTICLE V

REF: GENEVA 6170

1. AUGUST 2 MEETING OF ARTICLE V CONTACT GROUP PRODUCED
AGREEMENT AD REFERENDUM ON PROVISIONS CONCERNING CONSUL-
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TATIVE COMMITTEE IN REVISED PARA 1 AND NEW PARA 2 OF

ARTICLE AND ANNEX SETTING OUT COMMITTEE'S FUNCTION AND PROCEDURES (TEXT BELOW).

2. SOVIETS IN FINAL GESTURE OF ACCOMMODATION DROPPED THEIR DEMAND TO ADD "INTERGOVERNMENTAL" TO "INTERNATIONAL ORGANIZATIONS" AND ACCEPTED US SUGGESTION TO SHIFT WHAT IS NOW FIRST SENTENCE OF ANNEX PARA 2 FROM PARA 1 WHERE THEY HAD FIRST PROPOSED PLACING IT. DUTCH AND SEVERAL OTHERS WERE CONCERNED THAT THIS PLACEMENT WOULD HAVE OBSCURED IF NOT OBLITERATED STATEMENT OF COMMITTEE'S FUNCTION.

3. IN PRAISING AGREED TEXT SOVIETS POINTED TO NUMBER OF CONCESSIONS THEY HAD MADE; ON OTHER HANDS ARE DOUBTLESS PLEASED APPARENTLY TO HAVE SURMOUNTED THEIR BIGGEST NEGOTIATING HURDLE WITH RESPECT TO TREATY. THEY WERE THINKING IN TERMS OF SEEKING ENMOD WORKING GROUP AGREEMENT ON ENTIRE ARTICLE V AT MONDAY MEETING AND BACKED OFF ONLY AT ARGENTINE INSISTENCE, WITH WOBBLY SUPPORT FROM SWEDEN, THAT NON-ALIGNED GROUP HAVE CHANCE TO DISCUSS IT FIRST. DUTCH AND SWEDES SEEM ENTIRELY SATISFIED THAT THEY HAVE GOTTEN WHAT THEY WANTED: AN INTERMEDIATE FACT-FINDING BODY INDEPENDENT OF SECURITY COUNCIL, WHOSE FINDINGS WILL BE ON RECORD AVAILABLE ON ALL TREATY PARTIES.

4. COMMENT: DEPARTMENT WILL NOTE THAT TEXT AGREED AD REFERENDUM DOES NOT DIFFER GREATLY FROM VERSION TRANSMITTED REFTEL. USDEL BELIEVES THAT TEXT, ALTHOUGH SHORT OF IDEAL FORMULATION, MEETS ESSENTIAL US CONCERNS. WE ESTIMATE THAT EFFORT ON OUR PART TO INSTIGATE ANY MAJOR CHANGE COULD LEAD TO USSR LOOSENESS ON ARTICLE I, ON WHICH SOVIETS SO FAR HAVE HELD LINE. IN ADDITION, TEXT SEEMS WHOLLY SATISFACTORY TO FOUR OF OUR ALLIES WHO PARTICIPATED IN CONTACT GROUP (NETHERLANDS, JAPAN, UK, FRG). UNDER THESE CIRCUMSTANCES WE RECOMMEND AGAINST SEEKING CHANGES THAT MIGHT MARGINALLY IMPROVE PROVISIONS ON CONSULTATIVE COMMITTEE BUT ARE NOT PERCEIVED AS ESSENTIAL.

5. FOLLOWING IS TEXT OF REVISED PARA 1 AND NEW PARA 2 OF ARTICLE V, AND ANNEX.

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BEGIN TEXT

1. THE STATES PARTY TO THIS CONVENTION UNDERTAKE TO CONSULT ONE ANOTHER AND TO CO-OPERATE IN SOLVING ANY PROBLEMS WHICH MAY ARISE IN RELATION TO THE OBJECTIVES OF, OR IN THE APPLICATION OF THE PROVISIONS OF THIS CONVENTION. CONSULTATION AND CO-OPERATION PURSUANT TO THIS ARTICLE MAY ALSO BE UNDERTAKEN THROUGH APPROPRIATE

INTERNATIONAL PROCEDURES WITHIN THE FRAMEWORK OF THE UNITED NATIONS AND IN ACCORDANCE WITH ITS CHARTER. THE INTERNATIONAL PROCEDURES REFERRED TO ABOVE MAY INCLUDE THE SERVICES OF APPROPRIATE INTERNATIONAL ORGANIZATIONS, AS WELL AS OF A CONSULTATIVE COMMITTEE OF EXPERTS AS PROVIDED FOR IN PARAGRAPH 2 OF THIS ARTICLE.

2. FOR THE PURPOSES SET FORTH IN PARAGRAPH 1 OF THIS ARTICLE, THE DEPOSITARY SHALL, ON REQUEST FROM ANY STATE PARTY, CONVENE WITHIN ONE MONTH A CONSULTATIVE COMMITTEE OF EXPERTS. ANY STATE PARTY MAY APPOINT AN EXPERT TO THIS COMMITTEE WHOSE FUNCTIONS AND RULES OF PROCEDURE ARE SET OUT IN ANNEX . . . WHICH FORMS AN INTEGRAL PART OF THIS CONVENTION. THE COMMITTEE SHALL TRANSMIT TO THE DEPOSITARY A SUMMARY OF ITS FINDINGS WHICH SHALL INCORPORATE ALL THE POINTS OF VIEW PRESENTED TO THE COMMITTEE. THE DEPOSITARY SHALL DISTRIBUTE THE SUMMARY TO ALL STATES PARTY.

ANNEX.....

CONSULTATIVE COMMITTEE OF EXPERTS

1. THE CONSULTATIVE COMMITTEE OF EXPERTS SHALL UNDERTAKE APPROPRIATE FINDINGS OF FACT AND PROVIDE AN EXPERT VIEW RELEVANT TO ANY PROBLEM RAISED PURSUANT TO PARAGRAPH 1 OF ARTICLE V OF THIS CONVENTION BY THE STATE PARTY REQUESTING THE CONVENING OF THE COMMITTEE.

2. THE WORK OF THE CONSULTATIVE COMMITTEE OF EXPERTS SHALL BE ORGANIZED IN SUCH A WAY AS TO PERMIT IT TO PERFORM THE FUNCTIONS SET FORTH IN PARAGRAPH 1 OF THIS ANNEX.
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THE COMMITTEE SHALL DECIDE PROCEDURAL QUESTIONS RELATIVE TO THE ORGANIZATION OF ITS WORK WHERE POSSIBLE BY CONSENSUS BUT OTHERWISE BY A SIMPLE MAJORITY OF THOSE PRESENT AND VOTING. THERE SHALL BE NO VOTING ON MATTERS OF SUBSTANCE.

3. THE CHAIRMAN OF THE COMMITTEE SHALL BE THE DEPOSITARY OR HIS REPRESENTATIVE.

4. EACH EXPERT MAY BE ASSISTED AT MEETINGS BY ONE OR MORE ADVISERS.

5. EACH EXPERT SHALL HAVE THE RIGHT TO REQUIRE THE CHAIRMAN TO SEEK FROM STATES, AND FROM INTERNATIONAL ORGANIZATIONS, SUCH INFORMATION AND ASSISTANCE AS THE EXPERT CONSIDERS

DESIRABLE FOR THE ACCOMPLISHMENT OF THE COMMITTEE'S WORK.

END TEXT. CATTO

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